

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**DONA HAYNES**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 1:21-cv-347-TBM-RPM**

**THE UNITED STATES**

**DEFENDANT**

**ORDER GRANTING IN PART AND DENYING IN PART  
DEFENDANT'S MOTION TO DISMISS**

This matter came before the Court on Defendant's Motion [7] to Dismiss on August 22, 2022. At the hearing conducted in this matter on August 22, 2022, the Court, having considered the pleadings, the record, the oral arguments of counsel, and the relevant legal authority, announced its findings and conclusions. The Court concluded that the Defendant's Motion to Dismiss should be granted in part and denied in part.

IT IS THEREFORE, ORDERED AND ADJUDGED that, for the reasons stated on the record at the hearing held on August 22, 2022, the Defendant's Motion [7] to Dismiss is GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED that Plaintiff's claims for injunctive relief and declaratory relief, even if pled, are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Defendant's Motion [7] to Dismiss is GRANTED in part, and that Plaintiff's claims for damages pursuant to 26 U.S.C. § 7433 are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Defendant's Motion [7] to Dismiss for insufficient service of process is DENIED as MOOT.

IT IS FURTHER ORDERED that Defendant's Motion [7] to Dismiss is DENIED in part, and that Plaintiff's remaining claims survive this motion.

IT IS FURTHER ORDERED that Plaintiff shall have fourteen days from August 22, 2022, to file an amended complaint.

THIS, the 22nd day of August, 2022.

  
TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE